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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 ADRIENNE BENSON and MARY
11 SIMONSON, individually and on behalf of all
others similarly situated,

12 *Plaintiffs,*

13 v.

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15 DOUBLEDOWN INTERACTIVE, LLC, a
16 Washington limited liability company, and
INTERNATIONAL GAME TECHNOLOGY,
17 a Nevada corporation,

18 *Defendants*
19

Case No. 18-cv-00525-RSL

**STIPULATED MOTION AND
ORDER RE PLEADINGS
AMENDMENT AND BRIEFING
SCHEDULE ON PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION AND
PRELIMINARY INJUNCTION**

20 After recent discussions between counsel, including as to the effect of International Game
21 Technology's recent-filed amended answer and the appropriate role in this case (if any) of
22 International Game Technology's "IGT", *see* Dkt. 238 ¶ 1, the parties have agreed—subject to
23 Court approval—to the following:

- 24
25 ○ Plaintiffs are granted leave to file the [proposed] Second Amended Complaint,
26 attached hereto as Exhibit 1, which adds International Game Technology's
27 subsidiary "IGT" as an additional defendant but makes no other substantive
changes to the pleadings.

- Plaintiffs shall file the Second Amended Complaint within twenty-four hours of the Court's order granting this stipulation.
- The deadlines for Defendants to respond to Plaintiffs' class certification and preliminary injunction motion, Dkt. 164, shall be 14 days after the date the Second Amended Complaint is filed, but no sooner than May 11, 2021. DoubleDown may file a response of up to 32 pages, and the IGT defendants may together file a response of up to 24 pages.
- Plaintiffs may, by no later than 14 days after the Defendants' responses are filed, file a combined reply in support of class certification and a preliminary injunction of up to 32 pages.
- All other case deadlines remain unchanged.
- The newly-added IGT defendant may file a Rule 12(b)(6) motion as to the Second Amended Complaint. The parties agree that neither International Game Technology nor DoubleDown shall file any other pleadings motions or arbitration-related motions as to the Second Amended Complaint. However:
 - All Defendants state that they may file Rule 12(c) motions. Plaintiffs state that any such motions would be unwarranted and improper.
 - DoubleDown states that it may file motion(s) to compel Adrienne Benson and/or Mary Simonson to arbitration based on deposition testimony that DoubleDown contends constitutes actual notice of an agreement to arbitrate. Plaintiffs state that any such motions would be untimely, unwarranted, and improper.
- Defendants shall not seek any additional delay or stay of the current class certification and preliminary injunction briefing schedule, nor shall Defendants argue that Plaintiffs must file a renewed class certification and preliminary injunction motion in light of the filing of the Second Amended Complaint.

The Parties respectfully request that the Court grant this stipulated motion and enter the attached [Proposed] Order.

1 Dated: April 23, 2021

Respectfully submitted,

2 Attorneys for Plaintiffs
3 **ADRIENNE BENSON** and **MARY SIMONSON**
4 individually and on behalf of all others similarly
situated,

5 By: /s/ Todd Logan
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*Admitted *pro hac vice*

1 Dated: April 23, 2021

Respectfully submitted,

2 Attorneys for Defendant
3 International Game Technology

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1 Dated: April 23, 2021

Respectfully submitted,

2 Attorneys for Double Down Interactive, LLC

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18 **ORDER**

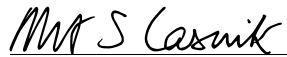
19 The Parties' stipulated motion is GRANTED. The Court ORDERS as follows:

- 20
- 21 ○ Plaintiffs are granted leave to file the proposed Second Amended Complaint,
22 attached to the parties' stipulation as Exhibit 1, which adds International Game
23 Technology's subsidiary "IGT" as an additional defendant but makes no other
24 substantive changes to the pleadings.
 - Plaintiffs shall file the Second Amended Complaint within twenty-four hours of
the Court's order granting this stipulation.
 - 25 ○ The deadlines for Defendants to respond to Plaintiffs' class certification and
26 preliminary injunction motion, Dkt. 164, shall be 14 days after the date the
27 Second Amended Complaint is filed, but no sooner than May 11, 2021.
DoubleDown may file a response of up to 32 pages, and the IGT defendants may
together file a response of up to 24 pages.

- Plaintiffs may, by no later than 14 days after the Defendants' responses are filed, file a combined reply in support of class certification and a preliminary injunction of up to 32 pages.
- The Clerk of Court is directed to renote Plaintiffs' class certification and preliminary injunction motion, Dkt. 164, for consideration on May 28, 2021.
- All other case deadlines remain unchanged.
- The newly-added IGT defendant may file a Rule 12(b)(6) motion as to the Second Amended Complaint. Neither International Game Technology nor DoubleDown shall file any other pleadings motions or arbitration-related motions as to the Second Amended Complaint. However:
 - All Defendants state that they may file Rule 12(c) motions. Plaintiffs state that any such motions would be unwarranted and improper.
 - DoubleDown states that it may file motion(s) to compel Adrienne Benson and/or Mary Simonson to arbitration based on deposition testimony that DoubleDown contends constitutes actual notice of an agreement to arbitrate. Plaintiffs state that any such motions would be untimely, unwarranted, and improper.
- Defendants shall not seek any additional delay or stay of the current class certification and preliminary injunction briefing schedule, nor shall Defendants argue that Plaintiffs must file a renewed class certification and preliminary injunction motion in light of the filing of the Second Amended Complaint.

IT IS SO ORDERED.

DATED this 26th day of April, 2021.



ROBERT S. LASNIK

UNITED STATES DISTRICT JUDGE